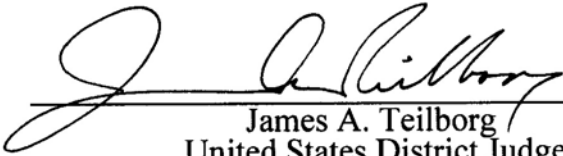


- 1 • Petitioner's Amended Petition for Writ of Habeas Corpus (Doc. #5) is denied and
2 dismissed with prejudice,
3 • in the event Petitioner files an appeal, issuance of a certificate of appealability is
4 denied because denial of the petition is based on a plain procedural bar and jurists
5 of reason would not find this Court's procedural ruling debatable. *See Slack v.*
6 *McDaniel*, 529 U.S. 473, 484 (2000),
7 • the Clerk of the Court shall enter judgment of dismissal with prejudice.

8 DATED this 2nd day of February, 2010.

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12 James A. Teilborg
13 United States District Judge
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